

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-13649 - APPLICANT: LAND BARON INVESTMENTS -**

**OWNER: TOWN CENTER CROSSINGS LLC, ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Extension of Time will expire on May 17, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0155-99) and Extension of Time (EOT-3965).

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a Request for an Extension of Time of an approved Special Use Permit (U-0155-99) that allowed a Restaurant with Drive-Thru adjacent to the northeast corner of Centennial Parkway and Durango Drive.

**EXECUTIVE SUMMARY**

This is the third Extension of Time application for the subject site. The applicant is proposing a two year Extension of Time for the approved Special Use Permit (U-0155-99). The applicant indicates that a change in ownership has delayed the permitting process. Therefore, the subject Extension of Time is needed.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98.   |
| 05/17/00 | The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00.  |
| 05/17/00 | The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00. |
| 05/01/02 | The City Council approved an Extension of Time [U-0155-99(1)] on the approved Special Use Permit for a proposed Restaurant with Drive-Thru (U-0155-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02.   |

04/07/04      The City Council approved an Extension of Time (EOT-3965) of an approved Special Use Permit (U-0155-99) for a Restaurant with Drive Thru adjacent to the northeast corner of Centennial Parkway and Durango Drive. Staff recommended approval of the subject request.

***B) Pre-Application Meeting***

A pre-application conference is not required for an Extension of Time request.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres:            5.05  
Net Acres:              3.71

***B) Existing Land Use***

Subject Property:      Undeveloped  
North:                   Clark County 215 Beltway  
South:                   Undeveloped and Single-Family Residential  
East:                    Undeveloped  
West:                    Undeveloped

***C) Planned Land Use***

Subject Property:      TC (Town Center)  
North:                   ROW (Right-of-Way)  
South:                   TC (Town Center)  
East:                    TC (Town Center)  
West:                    TC (Town Center)

***D) Existing Zoning***

Subject Property:      T-C (Town Center) [SC-TC (Service Commercial – Town Center)  
Land Use Designation]  
North:                   Right-of-Way (Clark County 215 Beltway)  
South:                   T-C (Town Center) [SC-TC (Service Commercial – Town Center)  
and SX-TC (Suburban Mixed Use – Town Center) Land Use  
Designations]  
East:                    T-C (Town Center) [SC-TC (Service Commercial – Town Center)  
Land Use Designation]  
West:                    T-C (Town Center) [SC-TC (Service Commercial – Town Center)  
Land Use Designation]

***E) General Plan Compliance***

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category near the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

| <b><i>SPECIAL DISTRICTS/ZONES</i></b>             | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| <b>Special Area Plan</b>                          | <b>X</b>   |           |
| <i>Centennial Hills Town Center</i>               | <b>X</b>   |           |
| <b>Special Overlay District</b>                   |            | <b>X</b>  |
| <b>Trails</b>                                     |            | <b>X</b>  |
| <b>Study Area</b>                                 |            | <b>X</b>  |
| <b>Rural Preservation Neighborhood</b>            |            | <b>X</b>  |
| <b>County/North Las Vegas/HOA Notification</b>    |            | <b>X</b>  |
| <b>Development Impact Notification Assessment</b> |            | <b>X</b>  |
| <b>Project of Regional Significance</b>           |            | <b>X</b>  |

**ANALYSIS**

***A) General Analysis and Discussion***

This is the third Extension of Time for the approved Special Use Permit (U-0155-99), which approved a Restaurant with Drive-Thru. The applicant indicates that the subject Extension of Time is needed due to a change in ownership and a delay in permitting of the project. Therefore, the Extension of Time can be supported due to the indicated reasons.

***B) Previous Conditions of Approval from Extension of Time (EOT-3965) and Special Use Permit (U-0155-99)***

(U-0155-99)

1. If this Special Use Permit is not exercised within two years of this approval, the Special Use Permit shall not be void unless another Extension of Time is granted.
2. Compliance with all Conditions of Approval of the Special Use Permit (U-0155-99).

(EOT-3965)

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0155-99).

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Restaurant with Drive-Thru use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Restaurant with Drive-Thru use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the proposed restaurant will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for a Restaurant with Drive-Thru is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

N/A

**ASSEMBLY DISTRICT**

N/A

**SENATE DISTRICT**

N/A

**NOTICES MAILED**

N/A

**APPROVALS**

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**PROTESTS**

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